(3)

CF-100/C

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1798 /2002

PETITIONER : Ramnarayan s/o Sunderlal, aged 30 years, r/o village-Negurdih, tehsil-Nawagarh, district-Janjgir Champa (CG).

vs.

RESPONDENTS : 1. The Collector, Janjgir Champa.

2. Sub Divisional Officer, Janjgir.

3. Gram Panchayat, Negurdih, through Sarpanch, Gram Panchayat, Negurdih, district-Janjgir Champa.

4. Chief Executive Officer, Janpad Panchayat, district-Janjgir Champa.

P.R. No. 1806/02
Presented by Shri ... Advocate
dated ... 13.9.02

13.9.02
1/08/

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(42)

(40)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP/1798/02 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

2.5.2005

Shri Rajeev Shrivastava, counsel for the petitioner.

Shri Sanjay Shyam Agarwal, Govt. Adv. for respondent No.1 & 2.

Shri Sandeep Dubey, counsel for respondent No.3.

Heard learned counsel for the parties for final disposal of the matter.

Return on behalf of respondent No.3 has already been filed, but no return has been filed on behalf of respondent No.1 & 2.

The case of the petitioner is that he was working as Panchayat Karmi (Secretary) of Gram Panchayat, Negurdih, Nawagarh, District Janjgir-Champa. On 7.4.2000 a resolution was passed by the Gram Sabha to remove the petitioner from the said post, against the said resolution the petitioner preferred an appeal before the Sub Divisional Officer, Janjgir, but the same was rejected by the S.D.O and ultimately, the petitioner has been removed from the services without giving any show cause notice of meeting of Gram Sabha in which the petitioner was removed. Thereafter, the petitioner has preferred an appeal before the Collector, Janjgir-Chama, which was also dismissed by the Collector vide order-dated 18.6.2002.

Further case of the petitioner is that vide government notification dated 29.9.2000 issued by the Panchayat & Rural Development Department it has been clarified that any proposal regarding appointment or removal of the Panchayat Karmi will be approved in the meeting of Gram Sabha having full Coram and if the meeting is adjourned for want of Coram, then in the said meeting no resolution can be passed.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... **विरुद्ध** .....

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	-2-	

It is admitted position that the resolution was passed in the adjourned meeting, therefore, resolution for removal of the petitioner from the post of Panchayat Karmi (Secretary) is contrary to the Panchayat Karmi Scheme. Even otherwise, for awarding major penalty as per Rule 7 of the C.G. Panchayat Service (Discipline & Appeal) Rules, 1999 the respondents before removing the petitioner from the post Panchayat Karmi (Secretary) ought to have issued the charge sheet and enquire into the allegations & charges after giving opportunity to the petitioner to reply the same and ought to have passed the order after considering all the relevant aspects of the matter, but in this case, no enquiry before removal of the petitioner was conducted as per provisions of above rule. Therefore, on both these counts the petition of the petitioner deserves to be allowed.

In the result, the petition of the petitioner is allowed, impugned orders dated 9.1.2001 & 18.6.2002 (Annexure P-2 & P-3) are quashed and respondents are directed to reinstate the petitioner in service.

Certified copy as per rules.

Consequently, M.W.P. & I.A. are also stands disposed of.

Sd/-
L.C. Bhadoo
Judge

(पीछे देखिये)